

**INLAND WETLANDS COMMISSION  
REGULAR MEETING  
September 2, 2015**

**MEMBERS:**

Mary Davis, Chair  
Sally MacKenzie, absent  
Marcia Puc  
Tracy DeBarber, absent  
Mark Bakstis

**OTHER:**

Sue Goggin, Town Planner/ZEO/WEO  
Wayne Zirolli, Borough Engineer  
Lori Rotella, Assistant ZEO  
Public - 0

Mary Davis called the Show Cause Hearing to order at 6:08 P.M. She noted there was a quorum.

**SHOW CAUSE HEARING**

**5:30 P.M.** Continued Show Cause Hearing for activities within the 100 foot wetland and watercourse Upland Review Area at 106 Bowman Drive.

Susan Goggin and Wayne Zirolli did an inspection of the property last week. The debris is being cleared and the wood is being split and brought up to the wood pile. Louise asked if she can put  $\frac{3}{4}$  inch gravel on the driveway. Susan and Mary Davis both commented that that was a good idea. Mary said the  $\frac{1}{2}$  -  $\frac{3}{4}$  inch gravel driveway could be a part of Phase II and the garden will be in Phase III. Mary also stated if Louise does not use the material stated for the driveway, she will have to call to let Susan know what material she will be using. Louise noted that she removed the shrubs, garbage and downed trees so far. The trees are being moved up near house to be split. Blue flags to mark the 100 ft. upland review area where put in. Susan will do a site inspection to check the work that has been done. Mary wanted to know if Louise stabilized the embankment yet. Louise was waiting for approval before spreading the woodchips. Mary indicated that she would like the embankment stabilized before October's meeting. Susan will send Louise a revised plan of action.

Show Cause Hearing continued to October 7, 2015 at 6:00 P.M.

Meeting recessed at 6:12 P.M.

Meeting resumed at 6:17 P.M.

**PUBLIC HEARING AGENDA**

Mary Davis called the Public Hearing to order at 7:20 P.M. She noted there was a quorum.

**6:30 P.M. PUBLIC HEARING** –for activities considered significant associated with (IW#15-04) for proposed construction of a fitness facility within a 100' Upland Review Area, 1188 New Haven Road, Applicant: Haynes Development

Attorney McSherry, 38 Fairview Avenue stated that his client will discuss their plans to move the building further away from the wetlands and what spray will be used for the invasive plants. Kyle Bogardus, Engineer with Langan Engineering summarized the revisions that were made and that they are reflected on the revised plan dated August 25, 2015. Mary Davis would like the area behind the building to have a conservation easement. Kyle noted they will still need access over the brook to be able to maintain that area. Kevin McSherry suggested they can restrict that area to an access way only. Mark Bakstis suggested putting a fence in the back to protect the wetlands. Kyle pointed out that there is no access to the back of the building and doesn't believe there is a need for a fence. Mary proposed signs be put up indicating this is a conservation area. Mary opened up the discussion to the public. There was no public comment. Kevin McSherry introduced James Cowen, Registered Soil Scientist and Certified Professional Wetland Scientist. James acknowledged the commission's concerns regarding the mitigation of invasive species and clarified how this will be done and what herbicides will be used. Kevin McSherry gave Mary the items James discussed and she noted that they will incorporate those suggestions into the record. Mary specified a few suggestions the commission would like to see on a map for the next meeting; the conservation easement and language on plantings. Kevin McSherry will provide the language for the conservation easement by Friday, September 4, 2015.

Mary Davis closed the Public Hearing and noted the commission will make a decision at the September 9, 2015 meeting.

Meeting recessed at 8:55 P.M.

Meeting resumed at 9:05 P.M.

**7:00 P.M. PUBLIC HEARING** – for activities considered significant regarding a proposed plan for construction of 42,600 square foot building and parking lot within the 100' Upland Review Area at Lots 18 & 30 Raytkwich Road (IW#15-05), Applicant: A Better Way Auto

Attorney Kevin McSherry, 38 Fairview Avenue, Naugatuck representing A Better Way Auto. Kevin summarized what is being proposed on the site plan. He noted that the applicant is in the process of purchasing 49 Raytkwich Road. That lot has a building on the site already and will be used for repairs and intake as the cars come in. The lots at 18 & 30 Raytkwich Road will be used only for storage of the cars and there will be no maintenance done there. The size of the building to be built has not been decided yet except that it will be only one story. Michael Lambert, Civil Engineer with Harry E Cole & Son, described the storm drainage system on the plan and the way it will work. Mary asked if Wayne Zirolli has looked over this plan and responded he has and the concept looks good. Mary suggested there be a conservation easement on the right side of the property. No comments were received from Roman at this point in time. Marcia inquired about the paving of the lot. Mike remarked a lot of this plan is governed by the DEEP. They will need to get DEEP approval after the Wetlands approval. Mary explained she would like to review Roman's review before closing the public hearing. Mary asked for any public comment. There was none. Mike also noted that as a result of the site walk and discussion with the adjoining neighbors, the building will decrease in size, as well as the parking lot.

Public Hearing continued until October 7, 2015 at 6:30 P.M.

## **REGULAR MEETING**

1. Mary Davis called this meeting to order at 6:15 P.M. She noted there was a quorum. She opened the meeting with the Pledge of Allegiance.
2. Executive session with Borough Attorney regarding litigation between Views at Long Meadow Brook, LLC vs The Naugatuck Inland Wetland Commission on Lots W-12 & W-13 on Rubber Avenue.

Attorney Warren Hess invited Susan Goggin into executive session.

**VOTED: Unanimously** on a motion by Marcia Puc and seconded by Mark Bakstis to go into executive session at 6:25 P.M.

**VOTED: Unanimously** on a motion by Marcia Puc and seconded by Mark Bakstis to come out of executive session at 7:21 P.M.

Mary Davis noted that during executive session they discussed the Views at Long Meadow Brook, LLC vs The Naugatuck Inland Wetland Commission.

**VOTED: Unanimously** on a motion by Marcia Puc and seconded by Mark Bakstis that the Wetlands Commission approve a settlement of the case of the Views at Long Meadow Brook, LLC vs the Naugatuck Inland Wetlands Commission by allowing the construction of two homes as shown on plans for the Views at Long Meadow Brook, LLC dated January 10, 2014 revised through August 25, 2015 prepared by Nowakowski, O'Bymachow, Kane & Associates provided that the plaintiff comply with the following 14 conditions as discussed in executive session.

### **Conditions & revisions to plans for The Views at Long Meadow Brook, LLC, Lots W-12 & W-13**

1. Plan should be modified to show the dewatering bag location and in place of the dewatering sump.
2. Plan should show a barrier of tarps or plastic sheeting with plywood sheets to temporarily place any excavated soils on during construction to protect the wetlands.
3. Any wetland plants that are to be excavated shall be replaced in the excavated area following installation and backfilling of the pipe.
4. Borough Engineer to make the determination when the ground is dry enough to start and complete the project.
5. The section of the laterals that runs through the wetlands shall be encased in a PVC sleeve prior to backfilling.
6. The disturbance to the wetlands shall be limited to 918 square feet and reviewed by the Borough Engineer.
7. The depth of 3.5 feet for the laterals must be sufficient to satisfy Borough codes. (May need to be increased based on further review.)
8. Borough Engineer to verify proper drainage design around the footings, basement and fields prior to CO being issued.

9. Install rain gardens in place of lowboys shown on plan. Schedule and types of plantings to be consistent with applicable DEEP guidelines.
  10. Developer must excavate and fill as pipe is installed in accordance with Army Corp of Engineer recommendation.
  11. Designation of a conservation easement from the wetlands to the 50' wetland setback line with conservation signage. The conservation easement shall be referenced in the deeds to the purchasers of each lot.
  12. Verification by WEO that River Smart guidelines have been transmitted to each purchaser.
  13. Any changes or modifications to the plans must go before the IWC.
  14. Change Map Note #2 to "pressure tested" instead of "pressure treated".
3. Public comment  
There was no public comment.
4. **OLD BUSINESS**
- A. Long Meadow Pond Brook ERT Study
- This item is on hold for now.
- B. Commission discussion regarding an existing Commercial Outdoor Automobile Storage (IW#14-01) located at the Risdon Property, Arch Street, Scott Road, Andrew Avenue and Rubber Avenue; Applicant: A Better Way Wholesale Auto.
- Susan Goggin stated they are keeping the cars parked where they should be parked.
- C. Commission discussion/decision regarding application for proposed construction of 17,000 square foot fitness facility within the 100' Upland Review Area at 1188 New Haven Road (IW#15-04), Applicant: Haynes Development
- No discussion at this time.
- D. Commission discussion/decision regarding significance of activities for proposed construction of 42,600 square foot building and parking lot on Lots 18 & 30 Raytkwich Road (IW#15-05), Applicant: A Better Way Auto
- No discussion at this time.

5. **NEW BUSINESS**

- A. Commission discussion/decision regarding View at Long Meadow Brook, LLC vs. The Naugatuck Inland Wetlands Commission

See executive session.

- B. Administrative approval regarding re-subdivision of Lots 72-82 Rollingwood Drive / Wisteria Drive, Applicant: Morgan Development

Ken Vosso, 325 Morgan Lane, West Haven – explained what was originally approved for the subdivision. When the subdivision was approved through the planning commission, they were required to combine the two lots into one. After the lot was graded, he was told to come back before the commission. Ken showed on the 2012 map where the lot is located. He explained what was done to make that a buildable lot. The lot is 720 feet away from any wetlands. Ken showed where all of the drainage is located on the plan. Susan Goggin explained the re-subdivision process to the commission and that it does require wetlands approval. The Commission granted an administrative approval.

- B. Additional items require a 2/3 vote of the Commission.

No additional items.

6. **CORRESPONDENCE**

There was none.

7. **WEO REPORT**

- A. Autohaus Property, 393 Rubber Avenue (IW #08-08)

Susan Goggin spoke with Greg and there are no updates to share with the commission. Greg explained to Sue that he is shrinking his business and plans on moving out of town. He feels he is being picked on. Mary said any new business going in will have to conform to the wetlands regulations. Susan will watch to see if property does get sold.

- B. Dmuchowski Property, 45 High Street

Susan Goggin spoke with one of the new owners of 45 High Street, Primo Enterprises - Dave Pires. Dave was going to speak to Wayne regarding the drainage issue. There hasn't been any reports from the Fire Department about any recent flooding on the property.

- C. Naugatuck HS Renovation (IW#12-04)

Nothing to report. Still receiving water reports.

- D. Notice of violation, 714 Beacon Valley Road

Susan Goggin explained to the commission that the truck has not been moved. She spoke to the owner of the property. There was also another burning violation at the property. The owner said he is in the process of evicting the tenants. Susan asked the owner if he know of any timeframe.

He responded it is up to the courts. She requested the property owner keep her in the loop.

8. **Review/Approval** of the August 5, 2015 Regular Meeting Minutes.

**VOTED:** Unanimously on a motion by Mark Bakstis and seconded by Marcia Puc to **APPROVE** the August 5, 2015 Meeting Minutes as amended with Mary Davis's changes.

9. **ADMINISTRATIVE BUSINESS**

Mary Davis noted she received a notice stating that two appeals, one with the zoning commission and one with the inland wetland commission, have been withdrawn. The applicant was Bethline Construction and was in the court system since 2009.

Susan Goggin handed out information to the commission on how the turf at the high school will be cleaned.

10. **ADJOURNMENT**

**VOTED:** Unanimously on a motion by Marcia Puc and seconded by Mark Bakstis to **ADJOURN** the meeting at 8:39 P.M.

Respectfully Submitted,  
Sally MacKenzie, Secretary /lr